

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| In re: | : | |
| | : | CHAPTER 13 |
| JANET JANNETTI-MARTIN | : | |
| | : | |
| Debtor | : | BANKRUPTCY NO. 20-13690 (MDC) |
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**MOTION OF INHERITANCE FUNDING COMPANY,
INC., TO EXTEND TIME TO OBJECT TO
DEBTOR'S DISCHARGE AND DISCHARGEABILITY OF DEBT**

Movant, INHERITANCE FUNDING COMPANY, INC. ("IFC"), by and through its counsel, Maschmeyer Marinas P.C., hereby moves this Honorable Court for the entry of an Order extending the time to object to the above-captioned debtor's discharge and dischargeability of debt in accordance with Rules 4004 and 4007 of the Federal Rules of Bankruptcy Procedure (the "Motion"),¹ and in support thereof, respectfully avers as follows:

JURISDICTION AND VENUE

1. The Bankruptcy Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(b)(1), and 1334(b) and (e).
2. This is a core proceeding under 28 U.S.C. §§ 157(b)(2)(A), (I), (J) and (O).
3. Venue is proper in this Court pursuant to 28 U.S.C. § 1409(a).
4. The statutory predicate for the relief requested is 11 U.S.C. §§ 523 and 1328, and Rules 4004 and 4007 of the Federal Rules of Bankruptcy Procedure.

BACKGROUND

5. On September 14, 2020 (the "Petition Date"), JANET JANNETTI-MARTIN (the "Debtor") filed a Voluntary Petition for relief under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania. See [Docket Entry No.

¹ The record will be referred to herein by the case docket number captioned above as "[Docket Entry No[s]. ____]".

1].

6. On September 15, 2020, WILLIAM C. MILLER was added as Chapter 13 trustee (the “Trustee”) in accordance with 11 U.S.C. § 1302.

7. On September 29, 2020, the Debtor filed a Chapter 13 plan. See [Docket Entry No. 10]. The Debtor’s plan proposes to pay the Trustee \$500 per month for the first 12 months and then \$1,100 per month for the remaining 48 months, for a total of \$58,800. [Id.].

8. The docket reflects that the first meeting of creditors under 11 U.S.C. § 341(a) was scheduled for November 9, 2020. See [Docket Entry No. 13]. That meeting was not held, and it was continued to December 30, 2020. See [Docket Entry Nos. 17 and 19].

9. On December 30, 2020, the meeting of creditors was not held because the Debtor was confined to the hospital. As a result, the meeting was continued sine die by the Trustee with an indication that a motion to dismiss would be filed. See [Docket Entry No. 24].

10. In addition, at this time, the Internal Revenue Service (“IRS”) and IFC have both filed secured proofs of Claim, docketed on the Claims Register as Claims Nos. 3-1 -- in the amount of \$ 104,611.58, and 5-1 -- in the amount of \$88,300.00, respectively. See, e.g., IRS Claim No. 3-1 and IFC Claim No. 5.1. The Plan filed by the Debtor at no time addresses these Claims and is thus, unconfirmable. See, e.g. [Docket Entry No. 10].

RELIEF REQUESTED

11. Against this procedural background, the docket reflects that the deadline to oppose discharge and dischargeability is January 8, 2021. See [Docket Entry No. 13].

12. In this case, IFC would like to attend and participate at the requisite meeting of creditors before bringing any potential discharge | dischargeability action(s) against the Debtor.

13. More importantly, in light of the Debtor’s failure to attend the 11 U.S.C. § 341 meeting, the unconfirmability of the Debtor’s current Chapter 13 plan and the upcoming Motion

to Dismiss to be filed by the Trustee, IFC respectfully requests the entry of an Order pursuant to Rules 4004(b) and 4007(c) of the Federal Rules of Bankruptcy Procedure extending the time to file a complaint objecting to the Debtor's discharge pursuant to 11 U.S.C. § 1328.

14. Specifically, IFC respectfully requests additional time to February 26, 2021 in order to determine whether or not it shall object to the Debtor's discharge pursuant to 11 U.S.C. §§ 523 or 1328.

WHEREFORE, IFC respectfully requests that this Honorable Court enter an Order (i) granting the Motion, (ii) extending the requisite time to file a complaint objecting to the Debtor's discharge and dischargeability to, and including, February 26, 2021, and (iii) for such other relief as this Court deems just and proper.

Respectfully submitted,

MASCHMEYER MARINAS P.C.

By: /s/ Paul B. Maschmeyer

PAUL B. MASCHMEYER
FRANK S. MARINAS
629A Swedesford Road
Swedesford Corporate Center
Malvern, PA 19355
(610) 296-3325
Attorneys for the Movant

Dated: January 4, 2021

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ORDER

AND NOW, on this _____ day of _____, 2020, upon consideration of the Motion of Inheritance Funding Company, Inc., to extend the time to object to the above-captioned debtor's discharge and dischargeability of debt in accordance with Rules 4004 and 4007 of the Federal Rules of Bankruptcy Procedure (the "Motion") and, after notice and hearing, it is hereby:

1. **ORDERED** that the Motion is **GRANTED**; and it is further
2. **ORDERED** that the time within which to file a complaint objecting to the above-captioned debtor's discharge under 11 U.S.C. §§ 523 and 1328, and Fed. R. Bankr. P. 4004 and 4007, is extended to, and including, February 26, 2021.

BY THE COURT:

**THE HONORABLE MAGDELINE D. COLEMAN
CHIEF UNITED STATES BANKRUPTCY JUDGE**

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CERTIFICATE OF SERVICE

I, PAUL B. MASCHMEYER, ESQUIRE, hereby certify that on the 4th day of January, 2021, I directed to be served a copy of the MOTION OF INHERITANCE FUNDING COMPANY, INC., TO EXTEND TIME TO OBJECT TO DEBTOR'S DISCHARGE AND DISCHARGEABILITY OF DEBT and NOTICE OF MOTION, RESPONSE DEADLINE AND HEARING DATE via ECF transmission upon the parties on the attached list.

Respectfully submitted,

MASCHMEYER MARINAS P.C.

By: /s/ Paul B. Maschmeyer
PAUL B. MASCHMEYER
629A Swedesford Road
Swedesford Corporate Center
Malvern, PA 19355
(610) 296-3325
Attorney for the Movant

Dated: January 4, 2021

VIA ECF TRANSMISSION

WILLIAM C. MILLER, ecfemails@ph13trustee.com

GEORGETTE MILLER, mlee@margolisedelstein.com

PAUL BRINTON MASCHMEYER, pmaschmeyer357@gmail.com, FMarinas@msn.com

FRANK S. MARINAS, Fmarinas@msn.com

United States Trustee. USTPRegion03.PH.ECF@usdoj.gov

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NOTICE OF MOTION, RESPONSE DEADLINE AND HEARING DATE

INHERITANCE FUNDING COMPANY, INC. (the “Movant”) has filed a Motion to extend the time to object to the above-captioned debtor’s discharge and dischargeability of debt in accordance with Fed. R. Bankr. P. 4004 and 4007 (the “Motion”).

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult an attorney.)

1. If you do not want the Court to grant the relief sought in the Motion or if you want the court to consider your views on the Motion, then on or before **January 18, 2021**, you or your attorney must do all of the following:

(a) File an objection explaining your position at

United States Bankruptcy Court
for the Eastern District of Pennsylvania
The Robert N.C. Nix, Jr. Building
900 Market Street, Suite 400
Philadelphia, PA 19107

If you mail your objection to the Bankruptcy Clerk's office for filing, you must mail it early enough so that it will be received on or before the date stated above; and

(b) Mail a copy to the movant's attorney:

Paul B Maschmeyer, Esquire
Maschmeyer Marinas, P.C.
629A Swedesford Road
Swedesford Corporate Center
Malvern, PA 19355
Phone No. (610) 296-3325
Pmaschmeyer357@gmail.com

2. If you, or your attorney, do not take the steps described in paragraphs 1(a) and 1(b) above, the court may enter an order granting the relief requested in the Motion.

3. A hearing on the Motion is scheduled to be held before The Honorable Magdeline D. Coleman on February 2, 2021 at 10:30 AM in Courtroom No. 2, United States Bankruptcy Court, Robert N.C. Nix, Sr. Federal Building, 900 Market Street, Philadelphia, PA 19107.

4. If a copy of the Motion is not enclosed, a copy of the Motion will be provided to you if you request a copy from the attorney named in paragraph 1(b).

5. You may contact the Bankruptcy Clerk's office at (215) 408-2800 to find out whether the hearing has been canceled because no one filed an objection or other responsive pleading.

MASCHMEYER MARINAS P.C.

By: /s/ Paul B. Maschmeyer.

Paul B Maschmeyer, Esquire
Maschmeyer Marinas, P.C.
629A Swedesford Road
Swedesford Corporate Center
Malvern, PA 19355
(610) 296-3325
Attorney for the Movant

Dated: January 4, 2021